

# “that’s what she said”

a ford & harrison blog about the popular television series “the office”

## Perfectenschlag

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**Litigation Value: Nothing too outrageous last night, but are we seeing the beginnings of a couple of sexual harassment claims for Jim and Val?**

Another week has gone by, and our favorite paper and printer sales team has heroically managed to continue to avoid discussing the bizarre behavior of their C.E.O. at his party a few weeks ago. (What happens at Robert California’s, stays at Robert California’s, I guess.) But we’re certain to see more R.C. shenanigans in the coming weeks, because the head office is planning to open storefronts and Andy has tasked Dwight with coming up with a crack sales team to concoct a concept and open the stores. Dwight picked a group that, arguably, contains the five most dedicated and talented workers in the office – and Andy immediately rejected Dwight’s team because he couldn’t run his operation for three weeks without those folks. Andy told Dwight he could take a group of employees he deemed “less essential” – including Kevin and Kelly.

Naturally, Dwight was upset that Andy rejected his choice team and saddled him with, in Dwight’s opinion, a group of useless people. But since Andy’s the boss, Dwight couldn’t override him. So Dwight did what he does best – undermined Andy’s authority. He announced the team in a way that he knew would upset the group, then unleashed the angry employees on Andy. Andy was forced to retreat from his previously-chosen team and he and Dwight picked the group together – Stanley, Jim, Erin, Ryan and Kathy. (Andy, this isn’t legal advice, but just a tip – Dwight wants your job and he’d love to undermine you all the way out the door. If you continue putting him into positions where he can assert his “authority” over his co-workers, he’s going to capitalize on those opportunities and you’ll come off looking like you can’t control him. Dwight has always been a problem employee and he probably always will, barring some major personality change. It’s fine to try to engage an employee like that – in fact, it’s a good idea – but at the end of the day, everyone needs to be clear about the fact that you are the boss, not Dwight.)

After Dwight assembled his team, it turned out that they actually had some good ideas – Ryan suggested making the new Sabre stores “a party,” like the Apple stores, and Dwight was suitably impressed with the team’s impromptu brainstorming session. But the Tallahassee trip could turn ugly very quickly, as it seems Kathy is convinced that Jim and Pam’s marriage is in trouble, and she’s plotting to swoop in and scoop Jim up for herself. Now, not for a moment do I believe that Jim has it in him to betray Pam. After the years he waited to just date her, let alone marry her, I have no doubt that Jim and Pam are soulmates and that Kathy is way off base. But Kathy’s plotting could still lead to trouble...

<http://blogs.hrhero.com/thatswhatsheaid/>

Many managers and employees view sexual harassment through the paradigm of “male as harasser, female as victim.” Sexual harassment does take that form often, but not always. Courts have recognized same-sex sexual harassment as a legitimate complaint, and there are occasions when a female might sexually harass a male – as I suspect might end up happening on the Tallahassee trip. If Kathy flirts with Jim, and he doesn’t respond, will she be able to take “no” for an answer? If not, Jim might have a claim of sexual harassment if Kathy continues to bother him. Of course, because Kathy is a co-worker, and not a manager or supervisor, there won’t be a presumption that the company is aware of the harassment, so Jim is going to have to complain – which he probably won’t do. But if Jim does complain to Andy or Robert about Kathy’s flirting, and they don’t do anything to stop it, they could find themselves sitting across the table from Jim, negotiating a small settlement down the road.

And that leads me to make one final point. The B-plot last night continued to follow Darryl as he pursues pretty “Warehouse Val.” Val gives Darryl a Valentine’s Day gift – a handknit beanie. Darryl is fairly convinced that the gift is a “love beanie,” but just to be sure, he buys Val a beautiful pair of cashmere gloves... which he ends up giving to Nate instead, after he discovers that Val has knit beanies for everyone in the warehouse. (“I like to knit. Don’t hate.”) Oops! And then, to make matters worse for poor Darryl, it turns out Val has a boyfriend... but won’t admit it to Darryl, who therefore illogically concludes that the beanie is a “love beanie” after all.

Now, I’m a little unclear on Darryl’s role since his promotion. I believe he continues to supervise the warehouse – since he was responsible for hiring them – and if he does, then that would make Val his subordinate. And that’s a rather more clear-cut case of sexual harassment if it turns out that Darryl has misread Val’s cues. If Darryl makes sexual advances toward Val, and she rejects him, she would have a much stronger sexual harassment claim against Sabre, since Darryl is her supervisor. But there’s no way of knowing yet how this will turn out, because at least right now, Val seems to be welcoming Darryl’s attentions. Of course, she may just think that they are friends... so there’s another potential sexual harassment claim that we’ll be watching closely over the remainder of the season. Will Darryl and Val’s relationship blossom into love, or into a lawsuit? Either way, it’s going to make for some perfectenschlag viewing.